

12/03/04

SAN ANTONIO VESTED RIGHTS TASK FORCE
DRAFT- PENDING PUBLIC INPUT
COMMENTS BY AGUA, 12/9/04

Susan Wright, *Chair*
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Art Hall
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**THE VESTED RIGHTS TASK FORCE IS SUBMITTING THE FOLLOWING
 PROGRESS REPORT AS OF 12/3/04:**

The Vested Rights Task Force members agree on the following issues:

I. GOING FORWARD

A) The definition of "permit" is clearly identified in Chapter 245.

B) A "utility contract" is a "permit" but not necessarily a "project".

- A utility contract is a not permit
- SAWS is not acting as a regulatory agency when it executes utility contracts, it is acting as a utility provider.
- If the project is not within City or ETJ when the contract is executed, it is not subject to City's platting requirements, therefore the contract is not required by law, rule, regulation, etc.
- A "Utility contract" doesn't comply with the definition of permit. A utility contract is not a license, certificate, approval, registration, consent, permit, or other form of authorization.
- The contract may not be for the same project as for which originally sought
- Subdivision rules do not require execution of contract with SAWS, only provision of approved water/sewer systems.

C)

CD) A "project" should be defined by information provided by an owner on a "Project Affidavit".

DE) A draft "Project Affidavit" will be created by the Task Force for review by 12/10/04. The draft "Project Affidavit" will be posted on the COSA website for public review and input. The proposed Affidavit does not require sufficient information about the project. The affidavit should, at a minimum include:

- preliminary site layouts
- number of lots
- proposed zoning districts
- approximate square footage of buildings
- number of dwelling units
- lane miles of streets

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subject to the strictest application of Chapter 245 dormant project provisions.

II. 1997 UNTIL COUNCIL ADOPTS NEW VESTED RIGHTS POLICY

- any plat filed from when the Development Rights Ordinance took effect in 1997 until we change UDC is vested to date identified by ordinance (2007)
- The meaning of this sentence is unclear.

III. PRE-1997

- if Owner has an identified project and a permit – file a Project Affidavit and vest to permit date AGUA strongly opposes allowing Project Affidavits to be filed retroactively.

- if Owner has a permit (without a defined project) , file a Project Affidavit within 18 months and vest to 1997 (1997 tree ordinance). Projects should vest as of the date a complete Project Affidavit is submitted.

The next 2 meetings are scheduled as follows:

- **December 10 in Training Room "A" of the One Stop Bldg. 8:30-10AM**
 - **Public input and discussion of draft language for revised UDC, Project Affidavit form, and definitions related to Vested Rights.**
 - **December 17 in Board Room of the One Stop Bldg. 7:30-10:30AM**
 - **Public input and consideration of final recommendations**
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